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19 UNITED STATES DISTRICT COURT
20 NORTHERN DISTRICT OF CALIFORNIA
21 SAN FRANCISCO DIVISION

22 THE PROCTER & GAMBLE COMPANY,

23 Plaintiff,

24 vs.

25 KRAFT FOODS GLOBAL, INC.,

26 Defendant.
27
28

No. CV 08-00930 PJH

**STIPULATION REGARDING JOINT
PLAN FOR LIMITED DISCOVERY AND
[PROPOSED] ORDER PURSUANT TO
THE COURT'S AUGUST 15, 2008 ORDER**

1 WHEREAS, the Court's August 15, 2008 Order instructed the parties "to meet and confer
2 with respect to proposed limited discovery, and to present a stipulated proposal to the Court, no
3 later than September 15, 2008," and further ordered that "[i]f the parties are unable to agree on a
4 stipulated proposal, they are instructed to contact the courtroom deputy for the undersigned, in
5 order to request that a further case management conference be scheduled."

6 WHEREAS, the parties asked for, and the Court granted, an extension until October 15,
7 2008 to file a discovery plan;

8 WHEREAS, on October 21, 2008, in response to a status report the parties submitted on
9 October 15, 2008, the Court ordered the parties to file a stipulation regarding proposed limited
10 discovery no later than October 22, 2008, or appear at a case management conference on October
11 30, 2008, at 2:30 p.m.;

12 WHEREAS, the parties met and conferred to discuss a plan for limited discovery;

13 WHEREAS, the parties agreed on the following limited discovery plan:

- 14 • Each party is allowed to take no more than three (3) individual depositions and one
15 (1) 30(b)(6) deposition pursuant to the Federal Rules of Civil Procedure subject to
16 the following constraints: (a) no witness shall be deposed for more than seven (7)
17 hours, however, in the event a witness is noticed both as an individual and as a
18 30(b)(6) deponent, the parties will meet and confer in good faith in advance of the
19 witness's deposition to determine the appropriate number of deposition hours for
20 that particular witness, (b) if a single witness is identified to testify on all topics, the
21 30(b)(6) deposition shall not exceed seven (7) hours, (c) if more than one witness is
22 identified to testify for the 30(b)(6) deposition, the 30(b)(6) deposition of all such
23 designated witnesses shall not exceed 14 hours;
- 24 • Subject to the parties' respective objections permitted under the Federal Rules of
25 Civil Procedure, the depositions shall be limited to the topics exchanged by the
26 parties on October 14, 2008 and summarized below:

27 P&G: 1. The design, development and testing of the Accused
28 Product.

2. Kraft's analysis and evaluation of the technology developed by P&G embodied in the P&G patents.

Kraft: 1. Prosecution of the application that lead to the '419 patent.
2. Genesis, development and testing of the inventions disclosed in the '419 patent.

- The parties agree to schedule the depositions at the earliest available, mutually agreeable date.
- In order to effectively prepare for and conduct the above depositions, the parties agree to exchange documents related to the above-referenced topics the parties exchanged on October 14, 2008, subject to the parties' respective objections to those topics, as follows:
 - Each party will serve on the other party no more than ten (10) specific document requests limited to the topics the parties exchanged on October 14, 2008 by October 31, 2008;
 - Any confidential documents or information produced in this case (Case No. 08-00930 PJH) will be subject to a protective order entered by the Court;
 - The parties will jointly propose a protective order for this Action; and
 - Provided that a protective order has been entered in this Action by November 21, 2008, each party will produce documents responsive to the other party's document requests no later than November 21, 2008. If a protective order has not been entered as of November 21, 2008, the parties shall produce documents in response to the other party's document requests no later than three (3) court days after a protective order has been entered by the Court.

NOW THEREFORE, IT IS HEREBY STIPULATED, by and between the parties, through their respective counsel, that the following limited discovery plan be entered:

- Each party is allowed to take no more than three (3) individual depositions and one (1) 30(b)(6) deposition pursuant to the Federal Rules of Civil Procedure subject to

the following constraints: (a) no witness shall be deposed for more than seven (7) hours, however, in the event a witness is noticed both as an individual and as a 30(b)(6) deponent, the parties will meet and confer in good faith in advance of the witness's deposition to determine the appropriate number of deposition hours for that particular witness, (b) if a single witness is identified to testify on all topics, the 30(b)(6) deposition shall not exceed seven (7) hours, (c) if more than one witness is identified to testify for the 30(b)(6) deposition, the 30(b)(6) deposition of all such designated witnesses shall not exceed 14 hours;

- Subject to the parties' respective objections permitted under the Federal Rules of Civil Procedure, the depositions shall be limited to the topics exchanged by the parties on October 14, 2008 and summarized below:

P&G: 1. The design, development and testing of the Accused Product.

2. Kraft's analysis and evaluation of the technology developed by P&G embodied in the P&G patents.

Kraft: 1. Prosecution of the application that lead to the '419 patent.
2. Genesis, development and testing of the inventions disclosed in the '419 patent.

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- Any confidential documents or information produced in this case (Case No. 08-00930 PJH) will be subject to a protective order entered by the Court;
- The parties will jointly propose a protective order for this Action; and
- Provided that a protective order has been entered in this Action by November 21, 2008, each party will produce documents responsive to the other party's document requests no later than November 21, 2008. If a protective order has not been entered as of November 21, 2008, the parties shall produce documents in response to the other party's document requests no later than three (3) court days after a protective order has been entered by the Court.

IT IS SO STIPULATED:

DATED: October 22, 2008

Respectfully submitted,

QUINN EMANUEL URQUHART OLIVER &
HEDGES, LLP

By _____ /s/
Evette D. Pennypacker
Attorneys for Kraft Foods Global, Inc.

DATED: October 22, 2008

Respectfully submitted,

HOWREY LLP

By _____ /s/
Gregory S. Cordrey
Attorneys for The Procter & Gamble Company

IT IS SO ORDERED:

DATED: 10/27/08

Judge Phyllis J. Hamilton
United States District Court

